

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MONICA CISNEROS,

Plaintiff,

v.

UTC PROVIDERS-AUSTIN, Inc.
d/b/a UTC HEALTH & REHAB-AUSTIN,

Defendants.

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1:17-CV-593-RP

ORDER

Before the Court is Defendant's Rule 12(b)(6) Partial Motion to Dismiss Plaintiff's Claim under 42 U.S.C. § 1981, (Dkt. 20); Plaintiff's Response, (Dkt. 24); and Defendant's Reply, (Dkt. 25). Defendant seeks dismissal of Plaintiff's claims under Section 1981 for failure to state a claim.

The Court referred the Motion to United States Magistrate Judge Andrew W. Austin for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Magistrate Judge Austin subsequently entered a report and recommendation recommending that the undersigned deny the Motion in full. (R. & R., Dkt. 27).

Because the report and recommendation was entered on April 6, 2018, objections were due on or before April 20, 2018. Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations."). No objections were received.

Where, as here, no party has objected to the magistrate judge's findings, the Court reviews the report and recommendation for clear error. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the magistrate judge's report and

recommendation. The Court finds that the magistrate judge's conclusion and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, (Dkt. 27), as the opinion of the Court and **DENIES** Defendant's Rule 12(b)(6) Partial Motion to Dismiss Plaintiff's Claim under 42 U.S.C. § 1981, (Dkt. 20).

SIGNED on May 23, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE